IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 26559 of 2001

Between:

G.AROGYA REDDY, S/o. Thomus Reddy,
Bala Visya Jyothi Vidyalaya Society, Cheriyal,
Warangal District.

..... PETITIONER

AND

1 The Commissioner & Director of School Education,
Hyderabad, Andhra Pradesh.
2 The Government of Andhra Pradesh, Rep. by its Secretary Education Department, Secretariat, Hyderabad.
3 The Regional Director, Southern Regional Committee,
NCTE, Bangalore.
R3 is implead as per Court Order in W.P.M.P.No.4087/20002 Dt. 31.10.2002

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more in the nature of Mandamus in the nature of Mandamus declaring the impugned Proc.Rc.No.2322/N2-2/2000 dt. 8.11.2001 issued by the Commissioner & Director of School Education, Hyderabad, in rejecting the petitioner's application for issue of No-objection Certificate to establish a College of Education as illegal, void and consequently direct the respondents to reconsider the petitioner's application for issuing N.O.C. if necessary granting time to execute fresh Registered Deed in the name of the Society as a Owner to the extent of Ac.5.00 of land in Jangoan Revenue Division, of Warangal District by holding the action of the 1st respondent in rejecting the petitioner's application for issuance of N.O.C. mere on technical ground is as illegal, arbitrary, and opposed to all principles of equity, justice and fair play and pass

Counsel for the Petitioner:MR.CH.JAGANNADHA RAO

Counsel for the Respondent Nos.: G.P.FOR SCHOOL EDUCATION

The Court made the following :

ORDER:

The present writ petition is filed questioning the proceedings of the first respondent dated: 8-11-2001 rejecting the application of the petitioner for issue of “no objection certificate” to establish a College of Education.

The brief facts, as per the averments made in the affidavit filed in support of the writ petition are as under.

The petitioner claims to be Secretary and Correspondent of
Bala Vidya Jyothi Vidyalaya Society, Cheriyal, Warangal district,
(herein after referred to as “the Society”) which is a registered society under A.P. (Telangana Area) Public Society Registration Act, 1350 Fasli vide registration dated 11-4-1991. The first respondent issued notification dated 28-4-2001 inviting applications from private educational societies for establishment of new colleges of Education for B.Ed course. In pursuance of the said notification, the society stated to have deposited Rs.5,00,000/- towards corpus fund in State Bank of Hyderabad, Jangoan branch on 23-5-2001 and paid a sum of Rs.15,000/- towards inspection and further submitted a Gift Deed registered in the name of Secretary of the society i.e., petitioner herein to an extent of Ac.5.00 of land in Survey No.194/A, B and submitted an application before the first respondent for issuance of “No Objection Certificate” to start a new college. Pursuant thereto, the first respondent issued impugned proceedings dated 8-11-2001 rejecting the application of the petitioner on the ground that the society has not complied with the conditions and has not registered the land to an extent of Hectors 2.00 in the name of the society as owner as on the last date for receipt of application forms i.e., 24-5-2001.

Learned counsel for petitioner submits that the society has submitted a Gift Deed registered in the name of Secretary, as such it has to be deemed that the said land vests with the society and the same is in compliance of condition no.4 of the notification dated 28-4-2001 and the first respondent erred in rejecting the application of the petitioner by impugned order dated 28-4-2001.

Heard learned counsel for petitioner and learned Government Pleader for School Education.

The argument of the learned counsel for petitioner, cannot be accepted for the reason that the condition no.4 of the notification clearly prescribes to provide 2 Hectares of land registered in the name of the society as owner. The Gift Deed said to have been registered in the name of Secretary of the Society cannot be said as compliance of condition no.4. Necessarily the land to an extent of 2 Hectares shall vest in the name of the society as on the last date of receipt of the applications. In the absence of compliance of conditions of notification, the first respondent is justified in rejecting the application of the petitioner and I see no reason to interfere with the impugned order. There are no merits in the writ petition.

Accordingly, the writ petition is dismissed. No costs.

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N.V.RAMANA,J

27-06-2005

TVK

To

1 The Commissioner & Director of School Education,
Hyderabad, Andhra Pradesh.
2 The secretary, Government of Andhra Pradesh, Education Department,
Secretariat, Hyderabad.
3 The Regional Director, Southern Regional Committee,
NCTE, Bangalore.

4) 2 CD copies

5) 2 CCs to Government Pleader for School Education, High Court of A.P. Buildings, Hyderabad (OUT)